

AMENDMENTS TO THE DRAWINGS

Replacement drawing sheets Numbers 1 and 2 are enclosed to replace the drawings previously filed. No new matter has been added.

REMARKS

The informal drawings are not of sufficient quality to permit examination. Drawings of the instant application represent dark spots and do not obtain satisfactory reproduction characteristics. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to this Office action. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

Applicant submits formal drawings.

The Abstract of the disclosure is objected to because of using claim language: "**comprising**" should be changed to "**having**".

Applicant has amended the Abstract accordingly. A clean copy and marked-up copy of the Abstract is enclosed herewith.

Claims 1-5, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiener (US 3,792,685) in view of Hagel (US 2003/0159660).

Referring to Claim 1 Wiener discloses (Fig. 1) a birdhouse including a clear block fixture composed of transparent walls [8] and [13] (col.4, lines 60-66) and a roof [9].

Wiener discloses the instant claimed invention except for a light source.

Wiener relates to a purple martin birdhouse having opaque roof structure and exterior walls of a transparent composition through which light may pass providing for a lighted interior of the birdhouse whereby starlings make no attempt to nest within the birdhouse. The birdhouse has a plurality of separate interconnected compartments with a separate entrance for each compartment. These birds live in colonies, but insist on and require a separate chamber or compartment for each pair for living and nesting.

Amended claim 1 requires that the birdhouse have a single compartment. This goes against the teachings of Wiener.

Hagel discloses (Fig.6) an animal house having a light source inside for illuminating an interior of the housing (Abstract).

Hagel discloses a housing structure that includes a transparent opening in one wall thereof, the opening being covered with a transparent material such as Plexiglass. The opening allows a user to view the interior of the structure and ascertain the welfare of any animals within or check for pests without opening the birdhouse and risk frightening or harming the animals. In addition, the housing structure may also include a light within such that a user can illuminate the interior thereof. This allows the user to inspect the interior of the structure when it is too dark to do so without the help of an artificial light source.

The invention relates to a housing structure having a view-in window for viewing the interior thereof. The structure has a transparent opening in one wall, with the opening being covered with a transparent material such as

plexiglass. The structure has a removable roof or side wall for easy access to the interior of the structure for cleaning and the like.

There is nothing taught to combine Wiener and Hagel. Wiener describes a multi-compartment birdhouse. It would not make sense to put a single light as taught by Hagel in a multi-compartment structure. Further, Wiener has a fully transparent structure which allows sunlight to pass through to provide a lighted interior. Wiener does not teach needing a further lighting source. Hagel only teaches a single transparent opening. Therefore, amended claim 1 is not obvious over the prior art.

Referring to Claim 2, since Wiener does not disclose that the light source is placed in the block fixture through the back side, it is understood, that any desired side of the block may be use for placing the light source, what is matter of design choice, because does not change functionality of the device.

Claim 2 depends on claim 1. For the reasons stated above for claim 1, claim 2 is not obvious over the prior art.

Referring to Claim 3 Wiener discloses (Fig.1) a gable shaped roof.

Claim 3 depends on claim 1. For the reasons stated above for claim 1, claim 3 is not obvious over the prior art.

Referring to Claim 4, since the walls are transparent (col.4, lines 60-66 of Wiener), the material of the wall inherently is a glass or a clear plastic.

Claim 4 depends on claim 1. For the reasons stated above for claim 1, claim 4 is not obvious over the prior art.

Referring to Claim 5 Wiener discloses (Fig.1) a rectangle shape of the block fixture.

Claim 5 depends on claim 1. For the reasons stated above for claim 1, claim 5 is not obvious over the prior art.

Referring to Claim 10 it is understood, that any light source known in the art may be used for the device.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the a light source, as taught by Hagel, inside the housing of Wiener, for the purpose of illuminating the interior of the housing.

Claim 10 depends on claim 1. For the reasons stated above for claim 1, claim 10 is not obvious over the prior art.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiener and Hagel as applied to claim 1 above, and further in view of Ruggles (US 6,789,916).

Wiener et al. discloses the instant claimed invention except for floral accent attached to the platform.

Ruggles discloses (Figs. 1 and 13) a birdhouse [40] (Fig. 13) having a platform [20] (Fig. 1) and floral accent attached to the platform (Fig. 1).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the floral accent, as taught by Ruggles, for the device of Wiener et al. for the purpose of the decorative appearance.

Ruggles relates to a portable lamp post assembly, which comprises a monolithic container and lamp post support, a lamp post attached to the lamp post support, and a fixture attached to the lamp post. The container comprises a bottom, upstanding walls extending from the outer periphery of the bottom, and a boss projecting upwards from the bottom. The fixture may be one or more of several items including a light. The container may be used as a planter or storage container.

Fig. 13 is a perspective view of a fixture in the form of a birdhouse. Figure 1 shows a lamp post assembly 10 comprising a container 20, a lamp post 30, and a fixture 40. A birdhouse 40 is shown in Fig. 13.

There is no teaching to combine Ruggles, which teaches a portable lamppost assembly which could be in the form of a birdhouse with Weiner and Hagel which teach two totally different types of birdhouses. For this reason, and the reasons stated above for Claim 1, Claim 6 is not obvious over the prior art.

Claims 7-9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiener and Hagel as applied to claim 1 above, and further in view of Niskanen et al. (US 5,762,025).

Referring to Claim 7 Wiener et al. discloses the instant claimed invention except for a figure of a bird on top of the roof.

Niskanen et al. disclose (Fig. 8) a birdhouse having a figure of the bird located on the top of the roof.

Referring to Claims 8, 9 Wiener et al. discloses the instant claimed invention except for a painted or stained wood roof.

Niskanen et al. disclose a birdhouse having a painted (col. 2, lines 62-64) wood roof (col.2, line 35).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the figure of a bird on the top of the roof, as taught by Niskanen et al., for the device of Wiener et al. for the purpose of decorative appearance.

Niskanen relates to a decorative birdhouse that has interchangeable decorative segments. The birdhouse has a number of panels that provide an interior cavity, and side panels. A pitched roof is attached to the upper edges of the side panels. The pitched roof has an apex that extends lengthwise and at least two sections that are separated by a slot extending between the two sections. The slot is positioned transversely to the upper edges of the panels and the apex of the roof. A thin, generally 2-dimensional decorative element is disposed in the slot and securely attached to the birdhouse so it vertically extends above the roof. All of the panels are made out of wood. The decorative elements can be fruit, vegetables, animals, plants, etc.

Regarding amended claim 7, the claim requires a three-dimensional figure. As stated above, Niskanen only describes a two-dimensional figure. Based on this and the statements above for claim 1, claim 7 is not obvious over

the prior art. Further, there is not teachings to combine Niskanen with the other prior art.

Regarding claim 8, Niskanen teaches that the whole structure is made of wood whereas the other prior art teaches that the roof is made of glass or plastic. There is not teachings to combine the prior art to make the current claimed invention. For this reason, claims 8 and 9 are not obvious over the prior art.

New claim 11 requires the figure of a bird, owl or butterfly to be placed on a perch in said block. None of the prior art in combination teaches this. Therefore, claim 11 is not obvious over the prior art.

Applicant believes that the application is now in condition for allowance.

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November 28, 2005

Signature:

Name: Debbie Broderick

Respectfully submitted,



Philip M. Weiss

Reg. No. 34,751

Attorney for Applicant

Weiss & Weiss

300 Old Country Rd., Ste. 251

Mineola, NY 11501

(516) 739-1500

ABSTRACT

A block light birdhouse, ^{having} [comprising] a roof on top of a clear block fixture, and a light source placed inside the clear block fixture